

**REMARKS**

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**I. STATUS OF CLAIMS**

Claims 17-23, 25-40, 42-64, 66-116, 121, 123-205 remain rejected and are on appeal.

**II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

**A. Whether Rejection under 35 USC § 103 of claims 17-23, 25-40, 42-64, 66-116, 121, and 123-205 was improper:**

(1) Whether Claims 17-23, 25-40, 42-64, 66-116, 121, and 123-205 were improperly rejected under 35 U.S.C. § 103 as being unpatentable over *Shavit et al.* (U.S. Patent 4,799,156) in view of *Lockwood* (U.S. Patent 5,576,951) (page 3 of the Examiner's Answer).

**III. PATENTEE'S RESPONSE TO ISSUES RAISED IN EXAMINER'S ANSWER (with respect to rejection of claims 17-23, 25-40, 42-64, 66-116, 121, 123-205 under 35 U.S.C. 103(a), pages 5-7 of the Examiner's Answer)**

On page 5 of the Examiner's Answer, in the second full paragraph, the Examiner argues "*that both systems address obtaining quotations from different vendors. In Shavit, a buyer must identify the vendors from which quotations are requested. Lockwood saves a buyer time by automatically obtaining quotations from several vendors without requiring a buyer to specify particular vendors (col. 2, lines 8-30; col. 5, lines 45-47). In this way, the buyer need not manually select each distributor from which information is desired but can easily receive information from a plurality of vendors rather than be restricted to vendors already known to the buyer.*" In making this combination, the Examiner disregards that Shavit is a user-directed messaging system that merely enables a buyer to conduct business with one distributor at a time, albeit a distributor that is selected by a user prior to using Shavit's system or initiating contact with the chosen distributor. In Shavit, a user is requested to select the type of distributor that the user wants to communicate with. The user chooses the other party in the transaction. In the

event the user in Shavit contacts more than one party, all parties contacted are necessary to the user's transaction. The user in Shavit does not indicate an area of interest, which is used by decision criteria within Shavit's system to isolate a single or multiple vendors that can provide data on the area of interest to the user. The Examiner, by suggesting, that "*Lockwood saves a buyer time by automatically obtaining quotations from several vendors without requiring a buyer to specify particular vendors,*" is taking unpermitted leaps to arrive at that conclusion. In Shavit, the "quotation or RFQ" is formulated only after the vendor is contacted. Therefore, even if it were obvious to automatically seek "quotations" from multiple vendors according to Lockwood, at best, one of ordinary skill in the art would modify Shavit's system to automatically acquire quotations from multiple vendors, after contacting multiple vendors. There is nothing in Lockwood or Shavit that teaches having a buyer indicate an area of interest, which is used by decision criteria in their systems isolate one or more vendors that can provide data.

On page 6 of the Examiner's Answer, with respect to the Appellant's indication that the '951 Lockwood patent "*has a filing date of March 16, 1994, after the effective filing date of the present application, and it is a continuation-in-part of earlier filed applications,*" the Examiner responded that "*this is not entirely correct.*" The Examiner indicates that Lockwood is also a "continuation" of the combination of Serial No. 08/116,654, filed September 3, 1993 and Serial No. 08/096,610, filed July 23, 1993. The Examiner further indicates that "both of these applications have filing dates which are clearly earlier than the effective filing date of Appellant's present application." Indeed, Appellant does not dispute that the earlier filed applications of Lockwood predate Appellant's filing date. It is clear from a review of the Lockwood prosecution histories, that the '951 Lockwood patent, although alleged to be a "*continuing application*" must be a continuation-in-part application because it is a combination of more than one application, not a duplicate of one with the exact same specification. Appellant points the Examiner's and the Board's attention to various documents in the Lockwood prosecution histories (for example, an exhibit of a Lockwood family tree accompanying an amendment dated February 7, 1995, the notice of allowance dated July 19, 1996, and simply a comparison of all the Lockwood patents at issue (the '951 patent with more disclosure (Figures 1-17) as compared to application number 116,654, issued under patent number 5,309,355 (Figures 1-6)). The mere fact that the earlier applications have

an earlier filing date is not relevant, as much as the fact whether the earlier applications have the same disclosure that is asserted as relevant to the appealed claims.

Also, on page 6 of the Examiner's Answer, the Examiner points to Appellant's indication that *"the operation of a user isolating the vendor in Shavit, falls outside the scope of the appealed claims, which explicitly include the operation of isolating a particular vendor or seller,"* as an example of how the Appellant is *"attacking references individually."* Appellant respectfully submits that he is demonstrating limitations of the claims on appeal that are not met by each reference to show that the combination as a whole also does not meet the limitations of the claims on appeal. Appellant understands that the Examiner relies upon an apparent teaching in Lockwood of *"isolating at least one vendor site from a plurality of vendor sites."* The Examiner further argues that *"Lockwood teaches having a central data processing unit 22 select an appropriate vendor-supplied data source associated with a customer's request (col. 5, lines 37-55) for the purpose of allowing a user to obtain and compare quotations easily (col. 9, lines 26-30)."*

Respectfully, Appellant submits that the appealed claims require *"an input system for use by interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service,"* which data is used by a decision criteria to isolate at least one vendor site from a plurality of vendor sites. Appellant respectfully submits that Lockwood does not satisfy this limitation as claimed. In Lockwood, not only does a travel agent interview the client and determine the general information required, and then further enters "other specifics" to seek customized travel presentations, but also Lockwood's sales presentations are created by operating programs that are further directed by client profiles that are already stored as well as other criteria. For the Board's convenience, the sections in Lockwood pointed to by the Examiner, with additional text, which precedes and follows what the Examiner is relying on are indicated below to provide context.

*Individualized sales presentations are requested by the client for specific destinations. The organizational hierarchy of data sources is arranged so that an infinite number of variations or sales presentation configurations can be*

*displayed. Multiple operating programs create the sales presentations directed by:*

- (1) Client profiles stored on optical memory or smart cards;*
- (2) Travel agent assessment of client profiles; or*
- (3) Computerized reservation system response to client profiles.*

*The travel agent interviews the client and determines the general information required for accessing the sales system and enters the prerequisites such as: destination, tour costs, sports activities, accommodations and other factors necessary for generation of customized mini-travelogues.*

Lockwood, col. 5, lines 33-49

*The travel agent enters the client's requests and characteristics to initiate the travel presentations. Each numbered chapter segment contains a transition bridge, so that presentations are not abrupt but rather form a continuous, harmonious dialogue with the client composed in a progressive predetermined format to increase sales effectiveness, for example, country, region, city, hotel, and sightseeing. Training and evaluation 29 would typically consist of instructional information which would be presented in the form of lessons. REMOTE 30 represents textual information which is accessed from the computerized reservation system 1. This information; airline flights times 32 and hotel availability 33 is critical to the tour sales presentation if transportation or lodging is required. Therefore, LOCAL 20, and REMOTE 30 act in conjunction to present an integrated and individualized travel and tour sales travelogue. REMOTE 30 creates dynamic presentations of transitory information such as weather conditions 35 or currency exchange rates 37.*

Lockwood, col. 9, lines 13-31

Also, on page 6, the Examiner argues that she relies on Lockwood's specification, which includes an indication of cost among any number of prerequisite details by the buyer. However, Appellant respectfully submits that Lockwood makes clear that a travel agent enters and also determines any information for a potential buyer and Lockwood's system creates sales presentations on that and other information that is stored. That is

distinct from a buyer indicating a maximum price (for example in claims 112 and 116), which exists before establishing electronic communication, to which Appellant's system responds by isolating a vendor. Neither Shavit nor Lockwood has such capability.

Finally, on page 7, the Examiner indicates that *"Appellant argues that Lockwood clearly teaches that the tone or voice response system 221 receives the 'customer's selections' in 'audio signal form' and 'converts the signals to message' which are transmitted to the central processor 222 for selection of data sources. The claims on appeal here recite that the user creates and expresses the area of interest via a digital keypad, which recitation is also not taught by Lockwood."* To this, the Examiner responded by indicating that *"the rejection was based on a combination of references, namely, Shavit and Lockwood. As indicated in the last office action and repeated above, in Shavit, personal computers 62, 64 includes keypads which allow remote buyers to designate the particular goods or services desired (col. 25, line 28-33; col. 5, lines 43-47; col. 6, lines 39-51)."* Appellant respectfully submits that neither Lockwood nor Shavit disclose the ability for buyers to designate the particular goods or services desired before one or more vendors are selected by the system. In Shavit, a buyer designates any RFQ data after selection of a vendor (see page 44 of the Appeal Brief).

Finally, on page 5 of the Examiner's Answer, in the first full paragraph, the Examiner argues that *"both Shavit and Lockwood are from the same field of endeavor, that is, electronic commercial transaction systems, which provide communications vendors and buyers. Moreover, under the current U.S. Classification schedule, both Shavit et al., and Lockwood have been classified under 705/26."* (emphasis added) Appellant respectfully submits that the fact that the "current" U.S. classification classifies both references under 705/26 is irrelevant. At the time the instant specification was first filed, that is, on January 24, 1994, both references were classified in distinct classifications (the purpose of which was to delineate one technology from another, see pages 40 and 41 of the Appeal Brief for technical differences between Shavit and Lockwood). The Patentee respectfully submits that this fact is relevant simply because one of ordinary skill at the time this application was filed would not have found it obvious to combine the references as the Examiner proposes. The Supreme Court set the standard for evaluating obviousness in its KSR decision, indicating that obviousness is to be determined from the vantage point of a hypothetical person having ordinary skill in the

art to which the patent pertains. The legal construct also presumes that all prior art references in the field of the invention are available to this hypothetical skilled artisan. *In re Carlson*, 983 F.2d 1032, 1038, 25 USPQ 2d 1207, 1211 (Fed. Cir. 1993) (See page 37 of the Appeal Brief). Further, the Supreme Court in KSR stated that: a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was independently, known in the prior art. (See page 38 of the Appeal Brief).

Respectfully, the Applicant requests the Board to consider the fact that one of ordinary skill would not have combined the two references as suggested by the Examiner.

#### IV. CONCLUSION

Finally, the Appellant respectfully submits that claims 17-23, 25-40, 42-64, 66-116, 121, 123-205 of the Application that are appealed are distinct and patentable. Furthermore, the claimed combinations were not suggested by the cited art. Therefore, the Appellant respectfully requests the Board to reverse the Examiner's rejections and to allow the claims.

Respectfully submitted,

BERRY & ASSOCIATES P.C.

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V. **CLAIMS APPENDIX**

The claims in the instant application are as follows.

1-16. (Canceled)

17. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

- an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

- an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

- a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

- a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

- whereby the control system subsequently electronically outputs by electronic email to an indicated email address for electronic email communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data.

18. (Previously Presented) The commercial transaction system of claim 17 wherein at least one area of interest is designated by unique product codes.



19. (Previously Presented) The commercial transaction system of claim 17 wherein at least one area of interest is designated by product class codes.

20. (Previously Presented) The commercial transaction system of claim 17 wherein at least one area of interest is a specific product.

21. (Previously Presented) The commercial transaction system of claim 17 wherein the interested buyers provide purchase data as part of the input data.

22. (Previously Presented) The commercial transaction system of claim 17 wherein the interested buyers provide cost data as part of the input data.

23. (Previously Presented) The commercial transaction system of claim 17 wherein the interested buyers provide qualification data as part of the input data.

24. (Canceled)

25. (Previously Presented) The commercial transaction system of claim 22 wherein the control system transmits the highest offer from interested buyers.

26. (Previously Presented) The commercial transaction system of claim 23 wherein the control system further considers factors in addition to qualification data.

27. (Previously Presented) The commercial transaction system of claim 26 wherein said other factors include merchandise codes.

28. (Previously Presented) The commercial transaction system of claim 27 wherein said other factors include merchandise codes.

29. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites,

at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data wherein the control system outputs an indication to said buyers by an electronic mail communication (e-mail).

30. (Previously Presented) The commercial transaction system of claim 29 wherein the addresses for said electronic communication are electronic mail addresses

31. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data wherein the control system outputs the indication to said buyers by a telephonic communication

32. (Previously Presented) The commercial transaction system of claim 31 wherein the addresses for said telephonic communication are telephone numbers for the buyers.

33. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data wherein the control system outputs the indication to said buyers by a recorded voice message.

34. (Previously Presented) The commercial transaction system of claim 33 wherein the recorded voice message is voicemail.

35. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data, wherein the control system or the vendor site outputs the indication to said buyers by an electronic bulletin board.

36. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze

frame video data and text data, wherein the control system or the vendor site outputs an indication to said buyers by facsimile.

37. (Previously Presented) The commercial transaction system of claim 36 wherein an address for electronic communication is a telephone number associated with a facsimile machine.

38. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

- an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

- an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

- a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

- a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

- whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data, wherein an address for electronic communication is obtained for at least certain of said interested buyers from an on-line computer service.

39. (Previously Presented) The commercial transaction system of claim 17 wherein an address for electronic communication is provided during a registration phase.

40. (Previously Presented) The commercial transaction system of claim 17 wherein an address for electronic communication is obtained automatically from the system.

41. (Canceled)

42. (Previously Presented) The commercial transaction system of claim 17 wherein the control system outputs an indication to said buyers by a video download of information.

43. (Previously Presented) The commercial transaction system of claim 42 wherein the control system or the vendor site outputs an indication to said buyers further including audio.

44. (Previously Presented) The commercial transaction system of claim 17 wherein the control system or the vendor site outputs an indication to said buyers by video including information depicting at least in part the products or services relating to the area of interest.

45. (Previously Presented) The commercial transaction system of claim 44 wherein the control system or the vendor site outputs an indication to said buyers by dynamic video relating to the area of interest.

46. (Previously Presented) The commercial transaction system of claim 17 wherein the control system or the vendor site outputs an indication to said buyers at least in part by still picture information depicting at least in part the products or services relating to the areas of interest.

47. (Previously Presented) The commercial transaction system of claim 46 wherein the indication further includes audio with the still picture information.

48. (Previously Presented) The commercial transaction system of claim 17 further including a response system to permit buyers to contact said commercial transaction system in response to receipt of said indication to said buyers regarding materials relating to the areas of interest.

49. (Previously Presented) The commercial transaction system of claim 48 further including a reference locator indication, wherein certain buyers enter the reference locator via the input system.

50. (Previously Presented) The commercial transaction system of claim 17 further including an image display system for presenting high resolution still images to said interested buyers upon contact of said system, after the communication of the indication to said potential buyers regarding said area of interest.

51. (Previously Presented) The commercial transaction system of claim 50 further including an audio system for providing audio to at least said potential buyers.

52. (Previously Presented) The commercial transaction system of claim 17 further including a dynamic video display system for presenting dynamic video to said interested buyer upon contact of said system after the communication of the indication to said buyer regarding said area of interest.

53. (Previously Presented) The commercial transaction system of claim 17 further including a text system for providing the text data.

54. (Previously Presented) The commercial transaction system of claim 17 further including an audio system for providing audio.



55. (Previously Presented) The commercial transaction system of claim 54 wherein the audio system provides at least voice as part of the audio.

56. (Previously Presented) The commercial transaction system of claim 17 further including an inventory control system.

57. (Previously Presented) The commercial transaction system of claim 56 further including a notification prevention system when said inventory control system indicates that the product or service corresponding to the area of interest is unavailable for ordering.

58. (Previously Presented) The commercial transaction system of claim 17 further including an electronic data interchange capability for facilitating said commercial transactions.

59. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one of a plurality of vendor sites, at least certain of said buyers having addresses for electronic communication, comprising:

an interface for facilitating interaction of interested buyers with vendor sites via an on-line computer service;

an input system for use by the interested buyers to provide input data including data created and expressed by the interested buyers via a keypad to designate at least one area of commercial interest for a merchandise or service;

a control system for processing the input data to isolate at least one select vendor site from the plurality of vendor sites based on the area of commercial interest designated by an interested buyer;

a memory in communication with the select vendor site for storing identification data of the interested buyer in association with said area of commercial interest designated by the buyer; and

whereby the control system electronically outputs to an indicated address for electronic communication for the interested buyer, an indication regarding said area of interest including select video data presentations including dynamic video data or high resolution freeze frame video data and text data and wherein the commercial transaction system further including a priority determination system.

60. (Previously Presented) The commercial transaction system of claim 59 wherein the priority determination system includes a random number generator.

61. (Previously Presented) The commercial transaction system of claim 59 wherein the priority determination system includes a priority numbering system.

62. (Previously Presented) The commercial transaction system of claim 59 wherein the priority determination system rotates among subsets of said buyers.

63. (Previously Presented) The electronic commercial transaction system of claim 17 wherein at least certain buyers are adapted to access said system via an on-line computer service.

64. (Previously Presented) The commercial transaction communication system of claim 63 wherein the identification data is obtained for at least certain buyers from said on-line computer service.

65. (Canceled)

66. (Previously Presented) The commercial transaction system of claim 77 wherein at least one area of interest is designated by unique product codes.

67. (Previously Presented) The commercial transaction system of claim 77 wherein at least one area of interest is designated by product class codes.

68. (Previously Presented) The commercial transaction system of claim 77 wherein at least one area of interest is a specific product.

69. (Previously Presented) The commercial transaction system of claim 77 wherein the interested buyers designate purchase data.

70. (Previously Presented) The commercial transaction system of claim 77 wherein the interested buyers designate cost data.

71. (Previously Presented) The commercial transaction system of claim 77 wherein the area of interest designated by the interested buyers includes qualification data.

72. (Previously Presented) The commercial transaction system of claim 77 wherein the interested buyers indicate the purchase amount that the interested buyers do not wish to exceed with the area of commercial merchandise or services interest.

73. (Previously Presented) The electronic commercial transaction system of claim 77 wherein the control system imposes at least one limitation on access by the interested buyers.

74. (Previously Presented) The commercial transaction system of claim 71 wherein the control system for providing access to the select vendor further considers other factors in addition to qualification data.

75. (Previously Presented) The commercial transaction system of claim 74 wherein said other factors include merchandise data.

76. (Previously Presented) The commercial transaction system of claim 74 wherein said other factors include merchandise codes.

77. (Currently Amended) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

- an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface,

- an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

- a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

- a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system or the vendor site outputs an indication to said buyers by electronic mail (e-mail)

78. (Previously Presented) The commercial transaction system of claim 77 wherein the addresses for electronic communication is an electronic mail address.

79. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor

sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

- an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

- an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

- a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

- a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system or the vendor site outputs an indication to said buyers by a telephonic communication.

80. (Previously Presented) The commercial transaction system of claim 79 wherein the addresses for electronic communication is a telephone number.

81. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system outputs an indication to said buyers by a recorded voice message.

82. (Previously Presented) The commercial transaction system of claim 81 wherein the recorded voice message is voicemail.

83. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer

adapted for utilizing an on-line computer service as at least a portion of said interface;

an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system outputs an indication to said buyers by an electronic bulletin board.

84. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyer or buyers and at least one or more vendor or vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

an interface for facilitating interaction of interested buyers with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

an input system for use by the interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

a memory for storing vendor data for a plurality of vendors that are classified according to specific merchandise or services; and

a control system for providing access to a select vendor from the vendor sites based on the area of commercial merchandise or services interest entered by the buyer and accordingly interconnecting the selected vendor with the buyer for electronic communication including transmitting video data from stored video for the area of commercial merchandise or services interest the video data including dynamic video data or high resolution freeze frame video data and text data, the control system also providing the buyer with an identification number to identify a particular transaction, wherein the control system outputs an indication to said buyers by facsimile.

85. (Previously Presented) The commercial transaction system of claim 84 wherein an address for electronic communication is a telephone number associated with a facsimile machine.

86. (Previously Presented) The commercial transaction system of claim 84 wherein an address for electronic communication is obtained for at least certain of said interested buyers from an on-line computer service.

87. (Previously Presented) The commercial transaction system of claim 84 wherein an address for electronic communication is provided during a registration phase.

88. (Previously Presented) The commercial transaction system of claim 84 wherein an address for electronic communication is obtained automatically from the system.

89. (Previously Presented) The commercial transaction system of claim 84 wherein the control system or the vendor site electronically outputs the indication to a certain subset of the interested buyers.



90. (Previously Presented) The commercial transaction system of claim 84 wherein the control system outputs an indication to said buyers by a video download of information relating to the area of interest.

91. (Previously Presented) The commercial transaction system of claim 90 wherein the control system outputs an indication to said buyers further including audio.

92. (Previously Presented) The commercial transaction system of claim 77 wherein the control system outputs the email indication to said buyers which includes video including information depicting at least in part the products or services relating to the area of interest.

93. (Previously Presented) The commercial transaction system of claim 92 wherein the control system outputs the indication to said buyers by dynamic video relating to the area of interest.

94. (Previously Presented) The commercial transaction system of claim 92 wherein the control system or the vendor site outputs an indication to said buyers at least in part by still picture information depicting at least in part the products or services relating to the areas of interest.

95. (Previously Presented) The commercial transaction system of claim 94 wherein the indication further includes audio with the still picture information.

96. (Previously Presented) The commercial transaction system of claim 77 further including a response system to permit buyers to contact said system in response to receipt of said indication to said buyers regarding materials relating to the areas of interest.

97. (Previously Presented) The commercial transaction system of claim 96 further including a cross reference number to identify transactions relating to the areas of interest.

98. (Previously Presented) The commercial transaction system of claim 77 further including an image display system for presenting high resolution still images to said interested buyer upon contact of said system, after the communication of the indication to said buyer regarding said area of interest.

99. (Previously Presented) The commercial transaction system of claim 98 further including an audio system for providing audio to at least said buyer.

100. (Previously Presented) The commercial transaction system of claim 77 further including a dynamic video display system for presenting dynamic video to said interested buyer upon contact of said system after the communication of the indication to said buyer regarding said area of interest.

101. (Previously Presented) The commercial transaction system of claim 77 further including a text system for providing text.

102. (Previously Presented) The commercial transaction system of claim 77 further including an audio system for providing audio.

103. (Previously Presented) The commercial transaction system of claim 102 wherein the audio system provides at least voice.

104. (Previously Presented) The commercial transaction system of claim 77 further including an inventory control system.

105. (Previously Presented) The commercial transaction system of claim 104 further including a notification prevention system when said inventory control system indicates that the product or service corresponding to the area of interest is unavailable for ordering.

106. (Previously Presented) The commercial transaction system of claim 77 further including an electronic data interchange capability for facilitating said commercial transactions.

107. (Previously Presented) The commercial transaction system of claim 77 further including a priority determination system.

108. (Previously Presented) The commercial transaction system of claim 107 wherein the priority determination system includes a random number generator.

109. (Previously Presented) The commercial transaction system of claim 107 wherein the priority determination system includes a priority numbering system

110. (Previously Presented) The commercial transaction system of claim 107 wherein the priority determination system rotates among subsets of said buyers.

111. (Previously Presented) The commercial transaction communication system of claim 77 wherein the identification data is obtained for at least certain of said members from said on-line computer service.

112. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between at least one or more possibly interested buyers and at least one or more vendor sites, at least certain of said buyers having addresses for electronic communication, the electronic commercial transaction system being adapted for use with an on-line computer service, comprising:

- an interface for interaction with said electronic commercial transaction system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;
- an input system for use by a buyer to designate at least one area of commercial merchandise services interest created and expressed by the interested buyers via a keypad, and to provide data that includes an indication of the

maximum price that buyers are willing to pay for a commercial product or service;

a memory for storing input data of an interested buyer in association with said at least one designated area of commercial merchandise or services interest;

a high resolution still image system to provide images for the designated area of commercial merchandise or services interest to said interested buyer; and

a control system for isolating from the vendors identified to the commercial transaction system, at least one vendor associated with the area of commercial merchandise or services interest and electronically outputting by electronic mail to an address for electronic communication for the buyer an indication regarding said area of commercial merchandise or services interest including related images, the buyer using the input system for manipulating an image provided by the high resolution still image system for the area of commercial interest.

113. (Previously Presented) The commercial transaction system of claim 112 wherein at least one area of interest is designated by unique codes.

114. (Previously Presented) The commercial transaction system of claim 112 wherein at least one area of commercial merchandise or services interest is designated by class codes.

115. (Previously Presented) The commercial transaction system of claim 112 wherein at least one area of commercial merchandise or services interest is a specific product.

116. (Previously Presented) The commercial transaction system of claim 112 wherein the buyer indicates the maximum price as purchase data.

117-120. (Canceled)

121. (Previously Presented) The commercial transaction system of claim 112 wherein vendors isolated by the control system are informed of buyers price criteria for vendors to satisfy.

122. (Canceled)

123. (Previously Amended) The commercial transaction system of claim 121 wherein said other factors that are considered include the vendor delivery status.

124. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs more than one indication to said buyers by electronic mail (e-mail).

125. (Previously Presented) The commercial transaction system of claim 124 wherein the addresses for electronic communication is an electronic mail address.

126. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an additional indication to said buyers by a telephonic communication.

127. (Previously Presented) The commercial transaction system of claim 126 wherein the addresses for electronic communication is a telephone number.

128. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an additional indication to said buyers by a recorded voice message.

129. (Previously Presented) The commercial transaction system of claim 128 wherein the recorded voice message is voicemail.

130. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an additional indication to said buyers by an electronic bulletin board.

131. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an additional indication to said buyers by facsimile.

132. (Previously Presented) The commercial transaction system of claim 131 wherein an address for electronic communication is a telephone number associated with a facsimile machine.

133. (Previously Presented) The commercial transaction system of claim 112 wherein an address for electronic communication is obtained for at least certain of said buyers from an on-line computer service.

134. (Previously Presented) The commercial transaction system of claim 112 wherein an address for electronic communication is provided during a registration phase.

135. (Previously Presented) The commercial transaction system of claim 112 wherein an address for electronic communication is obtained automatically from the system.

136. (Previously Presented) The commercial transaction system of claim 112 wherein the control system sends the indication to several subsets of potential buyers in sequence.

137. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an indication to said buyers by a video download of information relating to the area of interest.

138. (Previously Presented) The commercial transaction system of claim 137 wherein the control system outputs an indication to said buyers further including audio.

139. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an indication to said buyers by video including information depicting at least in part the products or services relating to the area of interest.

140. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an indication to said buyers by dynamic video relating to the area of interest.

141. (Previously Presented) The commercial transaction system of claim 112 wherein the control system outputs an indication to said buyers at least in part by still picture information depicting at least in part the products or services relating to the areas of commercial merchandise or services interest.

142. (Previously Presented) The commercial transaction system of claim 141 wherein the indication further includes audio with the still picture information.

143. (Previously Presented) The commercial transaction system of claim 112 further including a response system to permit buyers to contact said system in response to receipt of said indication to said buyers regarding materials relating to the areas of commercial merchandise or services interest.

144. (Previously Presented) The commercial transaction system of claim 143 further including a cross reference number to identify transactions relating to the areas of commercial merchandise or services interest.

145. (Previously Presented) The commercial transaction system of claim 112 further including an image display system for presenting high resolution still images to said potential buyer upon contact of said system, after the communication of the indication to said buyer regarding said area of commercial merchandise or services interest.

146. (Previously Presented) The commercial transaction system of claim 145 further including an audio system for providing audio to at least said buyer.

147. (Previously Presented) The commercial transaction system of claim 112 further including a dynamic video display system for presenting dynamic video to said potential buyer upon contact of said system after the communication of the indication to said buyer regarding said area of commercial merchandise or services interest.

148. (Previously Presented) The commercial transaction system of claim 112 further including a text system for providing text.

149. (Previously Presented) The commercial transaction system of claim 112 further including an audio system for providing audio.

150. (Previously Presented) The commercial transaction system of claim 149 wherein the audio system provides at least voice.

151. (Previously Presented) The commercial transaction system of claim 112 further including an inventory control system.

152. (Previously Presented) The commercial transaction system of claim 151 further including a notification prevention system when said inventory control system indicates that the product or service corresponding to the area of interest is unavailable for ordering.

153. (Previously Presented) The commercial transaction system of claim 112 further including an electronic data interchange capability for facilitating said commercial transactions.

154. (Previously Presented) The commercial transaction system of claim 112 further including a priority determination system.



155. (Previously Presented) The commercial transaction system of claim 154 wherein the priority determination system includes a random number generator.

156. (Previously Presented) The commercial transaction system of claim 154 wherein the priority determination system includes a priority numbering system.

157. (Previously Presented) The commercial transaction system of claim 154 wherein the priority determination system rotates among subsets of said buyers.

158. (Previously Presented) The commercial transaction communication system of claim 112 wherein the identification data is obtained for at least certain of said buyers from said on-line computer service.

159. (Previously Presented) An electronic commercial transaction system for selectively enabling communications via a communication network between one or more possibly interested buyer or buyers and one or more vendor or vendor sites, certain of said buyers having addresses for electronic communication, the system being adapted for use with an on-line computer service, comprising:

- an interface for facilitating interaction of said interested buyers with said system, at least one said buyer adapted for utilizing an on-line computer service as at least a portion of said interface;

- a dynamic video and audio system for providing video and audio at least from said electronic commercial transaction system to said possibly interested buyer;

- an input system for use by interested buyers to designate at least one area of commercial merchandise or services interest created and expressed by the interested buyers via a keypad;

- a control system for isolating from the vendor sites that are identified to the commercial transaction system, at least one vendor site associated with an area of commercial merchandise or services interest;

a memory in association with the one vendor site for storing identification data of an interested buyer in association with said at least one designated area of commercial merchandise or services interest; and

a control system electronically outputs by electronic mail to an address for electronic communication for a potential buyer, an indication to said buyer regarding said area of commercial merchandise or services interest, including a notification of availability of sales presentations of the one or more vendors wherein the sales presentation includes stored video for the area of interest including dynamic video data or high resolution freeze frame video data and text data.

160. (Previously Presented) The commercial transaction system of claim 159 wherein at least one area of interest is designated by unique product codes.

161. (Previously Presented) The commercial transaction system of claim 159 wherein at least one area of commercial merchandise or services interest is designated by product class codes.

162. (Previously Presented) The commercial transaction system of claim 159 wherein at least one area of commercial merchandise or services interest is a specific product.

163. (Previously Presented) The commercial transaction system of claim 159 wherein the control system for isolating the select vendor site utilizes purchase data indicated by the interested buyers.

164. (Previously Presented) The commercial transaction system of claim 159 wherein the control system for communicating with select vendor site utilizes cost data indicated by the interested buyers.

165. (Previously Presented) The commercial transaction system of claim 159 wherein the control system for isolating the select vendor site utilizes qualification data indicated by the interested buyers.

166. (Previously Presented) The commercial transaction system of claim 159 wherein the control system for isolating the select vendor site takes into consideration certain limitations that may be imposed with respect to certain buyers.

167. (Previously Presented) The commercial transaction system of claim 159 wherein the interested buyers indicate the amount that the interested buyers do not wish to exceed with the area of commercial merchandise or services interest.

168. (Previously Presented) The commercial transaction system of claim 1 wherein the control system for isolating the select vendor site further includes other factors in addition to qualification data.

169. (Previously Presented) The commercial transaction system of claim 168 wherein said other factors includes merchandise or services data.

170. (Previously Presented) The commercial transaction system of claim 168 wherein said other factors includes.

171. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs more than one indication to said buyers by an electronic mail (e-mail).

172. (Previously Presented) The commercial transaction system of claim 171 wherein the addresses for electronic communication is an electronic mail address.

173. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by a telephonic communication.

174. (Previously Presented) The commercial transaction system of claim 173 wherein the addresses for electronic communication is a telephone number.

175. (Previously Presented) The commercial transaction system of claim 159 wherein the control system outputs an indication to said buyers by a recorded voice message.

176. (Previously Presented) The commercial transaction system of claim 159 wherein the recorded voice message is voicemail.

177. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by an electronic bulletin board.

178. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by facsimile.

179. (Previously Presented) The commercial transaction system of claim 178 wherein an address for electronic communication is a telephone number associated with a facsimile machine.

180. (Previously Presented) The commercial transaction system of claim 159 wherein an address for electronic communication is obtained for at least certain of said buyers from an on-line computer service.

181. (Previously Presented) The commercial transaction system of claim 159 wherein an address for electronic communication is provided during a registration phase.

182. (Previously Presented) The commercial transaction system of claim 159 wherein an address for electronic communication is obtained automatically from the system.

183. (Previously Presented) The commercial transaction system of claim 159 wherein the address for electronic communication is obtained by ANI.

184. (Previously Presented) The commercial transaction system of claim 159 wherein the control system outputs an indication to said buyers by a video download of information relating to the area of interest.

185. (Previously Presented) The commercial transaction system of claim 184 wherein the control system or the vendor site outputs an indication to said buyers further including audio.

186. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by video including information depicting at least in part the products or services relating to the area of interest.

187. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers by dynamic video relating to the area of interest.

188. (Previously Presented) The commercial transaction system of claim 159 wherein the control system or the vendor site outputs an indication to said buyers at least in part by still picture information depicting at least in part the products or services relating to the areas of interest.

189. (Previously Presented) The commercial transaction system of claim 188 wherein the indication further includes audio with the still picture information.

190. (Previously Presented) The commercial transaction system of claim 159 further including a response system to permit buyers to contact said system in response to receipt of said indication to said buyers regarding materials relating to the areas of interest.

191. (Previously Presented) The commercial transaction system of claim 190 further including a cross reference number to identify transactions relating to the areas of interest.

192. (Previously Presented) The commercial transaction system of claim 159 further including an image display system for presenting high resolution still images to said potential buyer upon contact of said system, after the communication of the indication to said buyer regarding said area of commercial merchandise or services interest.

193. (Previously Presented) The commercial transaction system of claim 192 further including an audio system for providing audio to at least said buyer.

194. (Previously Presented) The commercial transaction system of claim 159 further including a dynamic video display system for presenting dynamic video to said potential buyer upon contact of said system after the communication of the indication to said buyer regarding said area of commercial merchandise or services interest.

195. (Previously Presented) The commercial transaction system of claim 159 further including a text system for providing text.

196. (Previously Presented) The commercial transaction system of claim 159 further including an audio system for providing audio.

197. (Previously Presented) The commercial transaction system of claim 196 wherein the audio system provides at least voice as part of the audio.

198. (Previously Presented) The commercial transaction system of claim 159 further including an inventory control system.

199. (Previously Presented) The commercial transaction system of claim 198 further including a notification prevention system when said inventory control system indicates that the product or service corresponding to the area of commercial merchandise or services interest is unavailable for ordering.

200. (Previously Presented) The commercial transaction system of claim 159 further including an electronic data interchange capability for facilitating said commercial transactions.

201. (Previously Presented) The commercial transaction system of claim 159 further including a priority determination system.

202. (Previously Presented) The commercial transaction system of claim 201 wherein the priority determination system includes a random number generator.

203. (Previously Presented) The commercial transaction system of claim 201 wherein the priority determination system includes a priority numbering system.

204. (Presently Presented) The commercial transaction system of claim 201 wherein the priority determination system rotates among subsets of said buyers.

205. (Previously Presented) The commercial transaction communication system of claim 159 wherein the identification data is obtained for at least certain of said buyers from said on-line computer service.